

THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON CASERTA,

Defendant.

Case No: 1:20-CR-183

Honorable Robert Jonker

**SUPPLEMENT TO DEFENDANT BRANDON CASERTA'S MOTION
IN LIMINE TO EXCLUDE STATEMENTS AS IRRELEVANT
AND UNFAIRLY PREJUDICIAL**

Counsel filed a motion to exclude statements as irrelevant and unfairly prejudicial with a memorandum in support regarding a video the government intends to play at trial. In Defendant's memorandum Counsel indicated the video was posted on Facebook. At the time Counsel drafted his motion, this was his belief. However, after filing the motion Counsel investigated further and determined he could not be sure where the video was posted. Counsel enlisted the help of his investigator, Bonnie Riley, to help determine through the government's discovery if the source of posting could be determined. Counsel's investigator could not be certain.

Counsel reached out to Ms. de Almeida, the attorney coordinating discovery out of New York, to see if the source of posting could be determined. Ms. de Almeida spent several hours trying to sort out where the video was posted. In her attached declaration Ms. de Almeida indicates she could not determine the source of posting from the video file produced as the metadata provided no source information. Ms. de Almeida found an FBI report related to the video which suggested there was an attachment associated with

the report. In searching for the attachment, Ms. De Almeida ran down 12,540 records, 726 underlying serial reports with an unknown, but substantial, number of attachments. In the end, she could not determine where the video was posted because the metadata which contains this information was not provided. Ms. de Almeida provided the attached document explaining her efforts to find the source of the post per Counsel's request. See Exhibit 1.

Counsel wanted to correct his memorandum with his current lack of certainty regarding the video post. However, the underlying basis for Counsel's motion remains the same. That is, the video has nothing to do with kidnapping the Governor of the State of Michigan and is an expression of frustration with the police over a routine traffic stop.

Respectfully Submitted,

HILLS LAW OFFICE, P.C.

Dated: July 20, 2021

/s/Michael D. Hills
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